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Note verbale dated 13 October 2016 from the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Sweden to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit its implementation report pursuant to resolution 2270 (2016) (see annex).

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Annex to the note verbale dated 13 October 2016 from the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

Report by Sweden on the implementation of Security Council resolution 2270 (2016)

1. Sweden and the other States members of the European Union have jointly implemented the sanctions against the Democratic People's Republic of Korea (DPRK) imposed by the Security Council in its resolution 2270 (2016) by taking the following common measures:

(a) Council Decision (CFSP) 2016/319 of 4 March 2016 amending Decision 2013/183/CFSP, and Commission Implementing Regulation (EU) 2016/315 of 4 March 2016 amending Council Regulation (EC) No. 329/2007, implementing the designation of additional persons and entities (travel ban and asset freeze);

(b) Council Decision (CFSP) 2016/476 of 31 March 2016 amending Decision 2013/183/CFSP, providing the basis for the implementation of measures imposed under resolution 2270 (2016), notably:

(i) Designation of additional persons and entities (travel ban and asset freeze);

(ii) Extension of export and import prohibitions on any item (except for food and medicine) that could contribute to the development of the operational capabilities of the DPRK armed forces;

(iii) Requirement to expel DPRK diplomats engaged in illicit activities: targets DPRK diplomats working on behalf or at the direction of a designated individual or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions, including exemptions;

(iv) Requirement to expel foreign nationals involved in illicit activities: targets foreign nationals working on behalf or at the direction of a designated individual or entity, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of Security Council resolutions;

(v) Requirement to close offices of designated entities and expel representatives: member States are to close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for them or on their behalf, from participating in joint ventures or any other business arrangements;

(vi) Ban on specialized training, including teaching or training in specific fields;

(vii) Requirement to inspect DPRK cargo within or transiting through free trade zones or cargo that is being transported on DPRK-flagged aircraft or maritime vessels. In addition, the obligation to inspect is irrespective of any reasonable grounds to suspect that the cargo contains prohibited items;

(viii) Requirement to ban DPRK chartering of vessels or aircraft and deregister vessels, including a prohibition on providing crew services;

(ix) Requirement to prohibit nationals from operating DPRK vessels/flying the DPRK flag;

(x) Ban on flights of any aeroplane suspected of carrying contraband, with the exception of landing for inspection;

(xi) Prohibition of entry into ports of any vessel controlled by a designated entity or suspected of engaging in illicit activity;

(xii) Export ban on any item that could contribute to DPRK nuclear or ballistic programmes or other weapons of mass destruction programmes;

(xiii) Ban on export from DPRK of specified minerals including coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals;

(xiv) Ban on aviation fuel exports to DPRK including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel;

(xv) Asset freeze on government entities or those of the Worker's Party of Korea associated with illegal programmes or on individuals or entities acting on their behalf;

(xvi) Prohibition on the opening and operation of new branches, subsidiaries and representative offices of DPRK banks;

(xvii) Obligation to close existing branches, subsidiaries or representative offices of DPRK banks within 90 days;

(xviii) Obligation to close existing representative offices, subsidiaries or bank accounts in DPRK within 90 days;

(xix) Extension of the prohibition on providing financial support for trade with DPRK and on covering private financial support for trade if such financial support could contribute to illicit activities of DPRK;

(c) Council Regulation (EU) 2016/682 of 29 April 2016 amending Regulation (EC) No. 329/2007, giving effect to the measures provided by the above-mentioned Council Decision (CFSP) 2016/476 of 31 March 2016;

(d) Council Decision (CFSP) 2016/849 of 27 May 2016, repealing and replacing Decision 2013/183/CFSP, including all amendments to that decision (such as Decision (CFSP) 2016/476).

2. Furthermore, the European Union imposed additional restrictive measures against DPRK. These measures are provided for in Council Decision (CFSP) 2016/849 and Council Regulation (EU) 2016/841 of 27 May 2016, as well as in Council Decision (CFSP) 2016/1341 amending Decision (CFSP) 2016/849, and Council Regulation (EU) 2016/1333 of 4 August 2016 amending Regulation (EC) No. 329/2007, providing for the designation of additional items, materials, equipment, goods and technology to which prohibitions on the transfer, procurement and provision of technical assistance also apply.

3. In addition to the common European Union measures, the Swedish authorities, within the scope of their national implementation competence, apply the Act on Certain International Sanctions (1996:95) in implementing the restrictive measures against DPRK imposed by the Security Council.

4. The above-mentioned Council regulations are binding in their entirety and are directly applicable in all States members of the European Union, including Sweden. Council Regulation (EC) No. 329/2007, as amended, requires member States to determine the penalties applicable to infringements of its provisions. At the national level, penalties for violations of directly applicable European Union law are set out in the relevant sections of the above-mentioned Swedish legislation.

5. Sweden also has the Military Equipment Act (1992:1300), requiring export authorization for the sale, supply, transfer or export of arms and related materiel (excluding paramilitary equipment) to third countries and authorization for the provision of brokering services and other services related to military activities. Together, Council Decision (CFSP) 2016/849 and the Military Equipment Act provide the basis for enforcing the arms embargo against DPRK.

6. In addition, Sweden has Decree (2011:67) concerning Certain Sanctions against the Democratic People's Republic of Korea, prohibiting the procurement of arms and related materiel (including paramilitary equipment) from DPRK, as well as the sale, supply, transfer or export of paramilitary equipment to DPRK.

7. Regarding restrictions on admissions (visa ban), the Swedish general legislation concerning aliens, Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001 provide the basis for the refusal of admission and the denial of requests for a visa.